

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

Plaintiff,

v.

RICHARD S. JEFFERSON

Defendant.

Crim. No. 91-266

ORDER

WHEREAS, Richard S. Jefferson (“Jefferson”) is currently imprisoned in West Virginia,

WHEREAS, Jefferson submitted an Affidavit of Proof of Claims;

WHEREAS in 1992, the Hon. H. Lee Sarokin, U.S.D.J. sentenced Jefferson to 210 months imprisonment for bank robbery and possession of a firearm.

WHEREAS in 1993, Jefferson was sentenced in the Superior Court of New Jersey to 20 years with 10 years of parole ineligibility.

WHEREAS, Jefferson remained in State custody for 10 years and upon release was arrested by the U.S. Marshal Service;

WHEREAS Jefferson argues that Judge Sarokin intended his sentence in Federal prison to run concurrently with his State Court sentence;

WHEREAS Jefferson’s affidavit of proof of claims is akin to a Petition for Habeas Corpus, and such Petitions must be brought in the District where defendant is confined (28 U.S.C. § 2241), and Jefferson has filed for similar relief in that District. *See, U.S. v. Kennedy*, 851 F. 2d 689, 690 (3d Cir. 1988); *Coady v. Vaughn*, 251 F. 3d 480, 485 (3d Cir. 2001);

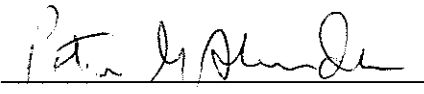
WHEREAS the Court has considered the moving papers of Jefferson and the response of David Malagold, AUSA, and for good cause having been shown;

IT IS ON THIS 9th day of April, 2008;

ORDERED

- (1) The "Affidavit of Proof of Claims" is deemed to be a petition for writ of habeas corpus pursuant to Title 28, U.S.C. § 2241;
- (2) Said petition is DENIED and DISMISSED;
- (3) There are no grounds to issue a certificate of appealability; and
- (4) The case is CLOSED.

April 9, 2008


PETER G. SHERIDAN, U.S.D.J.